

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BARBARA KAY SHERMAN,

Plaintiff,

vs.

COMMISSIONER,
Social Security Administration,

Defendant.

Case No. 6:17-cv-00101-SI

ORDER GRANTING PLAINTIFF'S
UNOPPOSED MOTION FOR
ATTORNEY FEES PURSUANT TO 42
U.S.C. § 406(b)

Plaintiff Barbara Kay Sherman brought this action seeking review of the Commissioner's final decision denying her application for Supplemental Security Income under the Social Security Act. The Court reversed the Commissioner's decision, remanded the case for further proceedings, and entered Judgment on April 23, 2018. Upon remand, the Commissioner found Plaintiff entitled to benefits beginning January 2015.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). The parties have conferred and, after giving substantive consideration to the merits of Plaintiff's request for 406(b) fees in the amount of \$10,652.50, the Commissioner found no basis to object. I have reviewed the record in this case, the motion, and the supporting materials, including the award of

benefits, the fee agreement with counsel, and the recitation of counsel's hours and services.

Applying the standards set by *Gisbrecht v. Barnhart*, 535 U.S. 789, 796 (2002), the Court finds that the requested fees are reasonable.

Plaintiff's Unopposed Motion for Attorney Fees Pursuant to 42 U.S.C. 406(b) is hereby GRANTED, and Plaintiff's counsel is awarded \$10,652.50 in attorney's fees under 42 U.S.C. § 406(b). When issuing the § 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to send the full award of \$10,652.50, less any applicable processing or user fees prescribed by statute, to Plaintiff's attorneys at HARDER, WELLS, BARON & MANNING, P.C., 474 Willamette Street, Eugene, Oregon 97401. Any amount withheld after all administrative and court attorney fees are paid should be released to the claimant.

IT IS SO ORDERED this 17th day of July 2020.

/s/ Michael H. Simon
MICHAEL H. SIMON
United States District Judge

Proposed Order submitted by:
Katherine L. Eitenmiller
HARDER, WELLS, BARON & MANNING, P.C.
474 Willamette Street
Eugene, OR 97401
(541) 686-1969
keitenmiller@hwbm.net
Of Attorneys for Plaintiff